

0. THE TRIAL OF WYATT EARP - Story Preface

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In today's world, the "speedy trial" requirement for a criminal case insures an innocent defendant is not detained indefinitely. In Wyatt Earp's world, a criminal case could be brought on for trial less than a month after an arrest. So it was with the case of Wyatt Earp.

Arrested with Doc Holliday (on November 4, 1881), Wyatt's hearing took place barely three weeks later. Fortunately for Wyatt, his friend, Wells Spicer, was the presiding judge. The judge allowed Wyatt to testify by reading a statement prepared by his lawyer! The defense lawyers had no cross-examination.

The dozen witnesses who testified for the prosecution were anti-Earp folks. The dozen witnesses who testified for the defense were anti-Cowboy folks. There was one impartial witness, H.F. Sills, a railroad engineer who testified he heard the Cowboys say they were going to "kill Virgil Earp."

Most important to Judge Spicer were the facts about Ike Clanton. His taunting threats had started the whole affair, but Clanton was not injured at all. Though he had lunged at Wyatt Earp before he ran from the scene, and though he would have been an easy shot for any of the Earp party, Ike had not been shot. Here is part of Judge Spicer's December 1, 1881 Opinion:

...the great fact, most prominent in the matter, to wit, that Isaac Clanton was not injured at all, and could have been killed first and easiest...I... cannot resist firm conviction that the Earps acted wisely, discreetly, and prudentially to secure their own self-preservation - they saw at once the dire necessity of giving the first shot to save themselves from certain death...it was a necessary act done in the discharge of official duty.

The Earps had been exonerated, but life in the American West had a way of working a different sense of "justice." Virgil and Morgan Earp would soon find that out.

See Alignments to State and Common Core standards for this story online at:

<http://www.awesomestories.com/asset/AcademicAlignment/THE-TRIAL-OF-WYATT-EARP-Tombstone>

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Media Stream



Wells Spicer

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